

1 approximately 20 other clients. Is that right?

2 A Approximately, yes.

3 Q Were any of those other clients -- were you doing
4 microwave licensing for any of those other clients at this
5 time?

6 A Yes.

7 Q Okay. Can you just say roughly about what
8 fraction of those other clients you were doing microwave
9 licensing for?

10 A A few.

11 Q About five maybe?

12 A Probably less than that.

13 Q Less than that. Were you doing -- was -- was
14 Liberty the most active or your microwave clients? In other
15 words, was Liberty generating the most -- most of your
16 microwave licensing work during the period?

17 A Yes.

18 Q Okay.

19 JUDGE SIPPEL: I don't want to hurry you, Mr.
20 Beckner, but could you move the pace up just a little bit?

21 MR. BECKNER: Yes. I'm sorry. I'm looking at all
22 these notes, Your Honor. I'm sorry. And I'm trying not
23 to -- I mean, I have an outline prepared. But of course,
24 Mr. Begleiter covered lots of it in his direct, so I'm not
25 going to repeat that.

1 JUDGE SIPPEL: So it should be shorter then.

2 BY MR. BECKNER:

3 Q Do you know if there was ever a time when -- when
4 your law firm filed -- well, strike that. During the time
5 when you were working for Liberty, was there ever an
6 instance where you filed an application for a microwave path
7 -- a new microwave path and an STA request for that path at
8 the same time?

9 A No, I don't recall. But I don't believe so.

10 Q Okay. And in your direct testimony, you indicated
11 to -- in response to one of the Judge's questions that --
12 that it was possible to file an STA for a path even before
13 an application had been filed, is that right?

14 A That's correct.

15 Q Did you ever do that for Liberty during the time
16 you were working for them?

17 A I don't recall specifically. There may have been
18 occasion for that. I know I've done that for other clients
19 in other services.

20 Q Is there any particular reason why you would file
21 the STA request before you filed an application?

22 A Simply in the interest of time and for whatever
23 justification we had for our request for STA.

24 Q Now, you would still have to -- when you requested
25 STA, you would still have to do a prior coordination for the

1 frequency in the path, wouldn't you?

2 A Yes, I believe so.

3 Q Now, you testified in response to Mr. Begleiter's
4 question that -- that you ended the practice of having Mr.
5 Nourain pre-sign applications in response to a development
6 in the case. What development in the case were you
7 referring to?

8 A This was generally when Peter Price took over
9 signing the applications.

10 JUDGE SIPPEL: Can you give a month and the year
11 on that?

12 THE WITNESS: I'm not exactly certain when that
13 happened. But I believe it was -- it was in the spring of
14 1995.

15 BY MR. BECKNER:

16 Q Do you know whether or not you or anyone else at
17 your firm ever raised an issue with Mr. Nourain about
18 whether or not it was a good idea to have him continue --
19 engage in a practice of pre-signing blank applications?

20 A This was -- this pre-signed application was at the
21 request of Mr. Nourain. And it was a practice that existed
22 before I got to Pepper & Corazzini.

23 Q And I take it that you never discussed the pros
24 and cons of that practice with Mr. Nourain while you were
25 working for him?

1 A I don't recall specifically, no. He was very --
2 he was insistent that this was the way it should be done.

3 Q You mentioned in your direct testimony that you --
4 you had some awareness of these petitions to deny that had
5 been filed by Time Warner and I think you said Cablevision
6 --

7 A Yes.

8 Q -- with respect to the applications. When the
9 petitions to deny were filed, did you personally receive a
10 service copy of the petition?

11 A I believe so, yes.

12 Q Okay. So would it be fair to say that you were
13 following the progress in what was happening to your
14 client's applications at the FCC?

15 A Yes.

16 Q Okay. So that, I think as you testified, Time
17 Warner filed a petition to deny in January of '95. You got
18 the service copy. You knew about it, the fact that it had
19 been filed.

20 A Yes.

21 Q Now, it's true, is it not, that Time Warner's
22 petitions to deny that were filed in January of 1995 were
23 not limited to just those paths -- well, let me just back up
24 a second. You testified with respect to the so-called
25 hardwired paths that -- that the applications for those

1 paths disclosed to the Commission the fact that they were to
2 replace cable interconnections. Is that what you said in
3 your direct?

4 A Could you repeat that again? It wasn't --

5 Q Okay.

6 A -- clear to me.

7 Q In your direct testimony, you discussed the fact
8 that some of Liberty's microwave path applications were
9 filed for paths to replace cable connections to the same
10 building. In other words, they had already -- they were
11 serving the building with the cable and they wanted to be
12 able to serve that building with the microwave link. And so
13 they filed an application for that link with the FCC,
14 correct?

15 A I believe so although I can't really -- I don't
16 really know whether they were actually going to replace them
17 or not.

18 Q Well, the question I wanted to ask you was is with
19 respect to those applications -- and you prepared them, did
20 you not?

21 A Yes.

22 Q Okay. With respect to those applications, at the
23 time that they were filed, do you know whether or not they
24 indicated to the FCC that these paths were designed to
25 replace existing cable interconnections of the building?

1 A There was an exhibit that identified the fact that
2 these certain paths were being hardwired -- served through
3 hardwire.

4 Q Now, were those applications only for paths that
5 were to replace existing hardwire connections or did they
6 also include paths for new -- new -- new buildings that were
7 not served before at all?

8 A I don't recall specifically. It's possible.

9 Q All right. And when you received the Time Warner
10 Cable petitions to deny that you said you got, did you
11 notice whether or not they were directed only to some of the
12 paths for which Liberty had applied or were they directed to
13 all of them?

14 A I believe the caption identified the fact that
15 they were directed to all of them. I mean, they had -- the
16 caption identified the file number.

17 Q Okay. Now, the -- this -- the petitions to deny -
18 - the service copies of the petitions to deny that you
19 received in your office, do you know whether or not copies
20 of those documents were forwarded to anyone at Liberty?

21 A Yes, I believe that -- I believe so.

22 Q Okay. And to whom were they forwarded?

23 A I don't recall if I forwarded them myself
24 specifically or if other members in my firm might have done
25 that.

1 Q Well, do you know who at Liberty was sent these
2 things?

3 A Not specifically, no.

4 Q And I take it that you didn't have any particular
5 standing instruction from a partner who was supervising you
6 to the effect that a particular person at Liberty should get
7 copies of everything filed in these cases.

8 A Well, yes. Obviously, the client needs to know
9 what's going on with their applications. But the issue of
10 the hardwire was not what I was working on.

11 Q No, I'm just talking generally, you know, about a
12 petition to deny that came in against an application that
13 was filed. Regardless of what was in the petition, I'm just
14 trying to find out if you had a standard policy of the firm
15 to send a particular individual at Liberty a copy of that
16 paper?

17 A They had never been petitioned against before. I
18 mean, certainly you want to let the client know that his
19 applications have been petitioned against. But there was no
20 standing -- there was no standing rule to send this to any
21 one particular person at Liberty as far as I was aware of.

22 Q And I take it that you don't know what person at
23 Liberty these things were sent to?

24 A I can -- yes, not without speculating.

25 JUDGE SIPPEL: Did you ever send any of these

1 petitions to Liberty yourself?

2 THE WITNESS: I don't recall specifically. It's
3 possible that I may have. But, no, I don't believe I did.

4 JUDGE SIPPEL: You don't think you did?

5 THE WITNESS: No.

6 JUDGE SIPPEL: Who at the firm was handling the
7 petitions?

8 THE WITNESS: Howard Barr.

9 JUDGE SIPPEL: Okay.

10 BY MR. BECKNER:

11 Q And was Howard Barr the billing attorney --
12 billing partner on -- for this client?

13 A I don't believe he was partner at that time. But
14 he supervised me, yes.

15 Q Okay. Now, in any of the conversations that you
16 said you had with Mr. Nourain, did you -- did either of you
17 make any kind of reference to the fact that -- and again,
18 prior to April 1995 -- to the fact that -- that these
19 petitions to deny were coming in from Time Warner?

20 A Yes.

21 Q Okay. Do you recall who made that reference? Was
22 it your or Mr. Nourain?

23 A I don't recall who -- who said what first. But I
24 understood that Mr. Nourain knew about the petitions from
25 what he said.

1 Q Okay. And was that something that the two of you
2 discussed back and forth?

3 A Yes.

4 Q And did you -- did you discuss what effect, if
5 any, those petitions would have on the timing of -- of the
6 grant of Liberty's applications?

7 A Yes.

8 Q And what did you tell -- what did you tell Mr.
9 Nourain about that?

10 A I don't recall what I told Mr. Nourain
11 specifically. But I would -- I would have said that, you
12 know, these -- these applications have been petitioned
13 against. They won't be granted until -- until the issue is
14 resolved.

15 Q Do you remember having that kind of a conversation
16 with Mr. Nourain, say, in January of 1995; in other words,
17 shortly after the petitions had been filed?

18 A I don't recall specifically. It's possible.

19 Q And do you recall in any discussion that you had
20 prior to mid-April 1995 with Mr. Nourain about these
21 petitions whether or not -- and about the effect on timing
22 whether or not either of you mentioned anything about STAs
23 or STA requests?

24 A No.

25 Q And did you ever ask Mr. Nourain whether or not he

1 wanted you to file STA requests for these paths?

2 A No, because it was my understanding that getting
3 an STA for these paths would -- would certainly be
4 extraordinary. There are not too many circumstances where
5 with the way that Time Warner and Cablevision had petitioned
6 against the applications, that I believed that we could even
7 obtain STA.

8 Q Okay. So your belief was is that if -- if the
9 problem was that Time Warner and Cablevision had petitioned
10 to deny these applications, and that was going to cause a
11 delay in the processing of the applications, filing an STA
12 request was not a solution to that problem as far as you
13 were concerned.

14 A At that time, that's correct.

15 Q But you discussed none of this with your client in
16 this time period prior to April '95?

17 A None of this with Mr. Nourain. Well, I don't
18 believe so, no.

19 Q Did you discuss it with anyone else at Liberty
20 other than Mr. Nourain?

21 A No.

22 Q Did you have occasion to speak with anyone else at
23 Liberty other than Mr. Nourain during the period from when
24 you started doing work for Liberty up until let's say mid-
25 April of 1995?

1 A Generally no.

2 Q Well, I mean at any time?

3 A No.

4 JUDGE SIPPEL: Something's missing here. You say
5 you had formulated -- you had come to the conclusion that
6 the STAs would render an impractical way to go because of
7 the petitions?

8 THE WITNESS: Yes.

9 JUDGE SIPPEL: Well, what was it specifically
10 about what was in the petitions that prompted you to reach
11 that conclusion?

12 THE WITNESS: I don't recall specifically. But
13 I -- in my experience, I don't ever recall a situation where
14 when an application has been petitioned against, unless you
15 have -- unless you have extraordinary reasons for doing so,
16 you could -- you could obtain an STA.

17 JUDGE SIPPEL: Yes, but I mean if you're talking -
18 - you're talking to Mr. Nourain about this, right? I mean,
19 he's your client. You're talking to about this and the
20 question of STAs comes up. And you're telling him that,
21 well, I don't think that they're going to work because of
22 these petitions. Is that what you're telling him?

23 THE WITNESS: If I had occasion to talk to him
24 about that, yes, I probably would have --

25 JUDGE SIPPEL: Well, I thought I heard you saying

1 that you did.

2 THE WITNESS: Yes.

3 JUDGE SIPPEL: Well, I mean --

4 MR. BEGLEITER: Your Honor, I don't believe that's
5 correct. I don't believe he testified that he had a
6 discussion about STAs with Mr. Nourain. I mean, the record
7 will -- will verify that. But I don't believe he testified
8 to that, Your Honor. You could ask him again.

9 JUDGE SIPPEL: Isn't that what your testimony is?

10 THE WITNESS: Well, I mean, prior to the memo --

11 JUDGE SIPPEL: The memo being what, April or --

12 THE WITNESS: The April 28th memo -- I didn't
13 really have occasion to speak about STAs with Mr. Nourain.

14 JUDGE SIPPEL: Well, is that your recollection or
15 is that what you're --

16 THE WITNESS: That's my recollection.

17 JUDGE SIPPEL: You have -- your recollection is
18 that you never talked to Mr. Nourain about STAs before April
19 of 1995?

20 THE WITNESS: No. About any STAs for paths that
21 were pending that were subject to Time Warner's petition to
22 deny. I mean, I certainly talked to him about STAs that I
23 had filed when I -- between June and, say, January, the STAs
24 that I was renewing for Liberty.

25 JUDGE SIPPEL: When you say June to January, what

1 year -- what time frame?

2 THE WITNESS: '94 to '95.

3 JUDGE SIPPEL: From June to January, there were
4 some pending STAs that you talked to him about.

5 THE WITNESS: There were STAs that I filed
6 renewing STAs that had been previously granted and then they
7 would expire at various times. I would renew the STAs.

8 JUDGE SIPPEL: All right, but there were no
9 petitions that were pending that would affect those, is that
10 right?

11 THE WITNESS: That's correct.

12 JUDGE SIPPEL: All right. And when did the
13 petitions start to get filed?

14 THE WITNESS: The petitions were filed some time
15 in January.

16 JUDGE SIPPEL: Of 1995?

17 THE WITNESS: '95, yes.

18 JUDGE SIPPEL: Okay. And you new about that?

19 THE WITNESS: Yes.

20 JUDGE SIPPEL: And the context of your discussions
21 between January of '95 and April of '95 -- April 28th or
22 thereabouts -- it is your recollection that you had no
23 occasion to discuss those petitions or STAs as a -- as a --
24 as an unworkable procedure --

25 THE WITNESS: I may --

1 JUDGE SIPPEL: -- but no -- let me finish my
2 question. You had no -- your recollection is is that you
3 had no conversations with Mr. Nourain about either of those
4 two subjects between January of '95 and April of '95?

5 THE WITNESS: Now I'm getting confused. But I
6 believe --

7 JUDGE SIPPEL: I don't want you to answer the
8 question if you're confused. No, that's not fair to you at
9 all. What is it that you don't understand?

10 THE WITNESS: Well, I think I understand it now.
11 I may have had --

12 JUDGE SIPPEL: Well, let's make sure you
13 understand it.

14 THE WITNESS: Okay.

15 JUDGE SIPPEL: Do you know what I'm asking? Why
16 don't you put it in your own words what I'm asking you.

17 THE WITNESS: What you're asking me is whether or
18 not I had discussions with Mr. Nourain about the petitions
19 to deny and any STAs in the time period of January to April
20 of 1995.

21 JUDGE SIPPEL: Well, let's just break it down one
22 at a time. What about the petitions to deny?

23 THE WITNESS: Certainly. I had --

24 JUDGE SIPPEL: You did?

25 THE WITNESS: Yes.

1 JUDGE SIPPEL: What did you tell him about it?

2 THE WITNESS: I mean, I didn't -- I don't recall
3 specifically what I told him about it, but I remember that
4 in any of these discussions, he would acknowledge that he
5 knew about them.

6 JUDGE SIPPEL: Well, that's not answering the
7 question really. What is your recollection as to what you
8 told Mr. Nourain about the petitions to deny?

9 THE WITNESS: I can't recall specifically. But I
10 believe I would have told him that they would have delayed
11 any grant in the -- in the grant of an application.

12 JUDGE SIPPEL: That would be it and nothing more.

13 THE WITNESS: Yes.

14 JUDGE SIPPEL: There's a petition. The petition's
15 going to hinder the grant of an STA.

16 MR. BEGLEITER: Your Honor, the grant of a license
17 is what he said, Your Honor.

18 JUDGE SIPPEL: The grant of license, thank you.

19 THE WITNESS: Yes.

20 JUDGE SIPPEL: And that would have been the end of
21 the discussion?

22 THE WITNESS: Yes. I mean, generally these
23 discussions were -- I don't believe I ever spoke to him
24 specifically for the purpose of discussing the petitions to
25 deny because from what I could tell, he already knew about

1 them.

2 JUDGE SIPPEL: What prompted you to think that he
3 already knew about them?

4 THE WITNESS: He would say, you know, oh, yes, the
5 I-block -- the I-block situation.

6 JUDGE SIPPEL: So all the petitions to deny that
7 you talked about had to do with the I-block?

8 THE WITNESS: That's all there were at that time,
9 yes.

10 JUDGE SIPPEL: Well, what about the -- what about
11 the -- I hear what you're saying. And that's -- so you're
12 assuming that he knew about that.

13 THE WITNESS: Yes.

14 JUDGE SIPPEL: And that's -- that goes all the way
15 back to -- to -- I mean, your frame of mind along these
16 lines was -- was formulated in January of '95 -- in or about
17 January of '95. This is not something that popped up in
18 April.

19 THE WITNESS: Right.

20 JUDGE SIPPEL: Okay. So you didn't feel -- well,
21 you just never had occasion to get into detail with him --

22 THE WITNESS: That's correct.

23 JUDGE SIPPEL: -- on what was contained in the
24 petitions. Is that --

25 THE WITNESS: Yes.

1 JUDGE SIPPEL: The specific allegations.

2 THE WITNESS: That's correct.

3 JUDGE SIPPEL: Now, what about with respect to
4 STAs? Did that subject ever come up?

5 THE WITNESS: From what I recall, that subject
6 only came up in conjunction with the April 28th memo. I
7 mean, the subject of STAs had come up from -- previously in
8 conjunction with my filing renewal STAs for applications
9 that had been pending prior to 1995. But with respect to
10 any of the applications that had been pending that had been
11 petitioned against by Time Warner from June -- or roughly
12 June '95 on, no, I don't believe I've had any discussion
13 with Mr. Nourain about STAs until just prior to the April
14 28th memo.

15 JUDGE SIPPEL: Were you -- was your advice to Mr.
16 Nourain with respect to -- well, forget it. I can't ask
17 that question. That's all I have for right now on this. I
18 may come back to it. Go ahead.

19 BY MR. BECKNER:

20 Q All right. Mr. Lehmkuhl, I want to just go back
21 on a couple of things that were raised in your questions and
22 answers with the Presiding Judge. First, when you were
23 discussing, you know, the I-block situation -- is that Mr.
24 Nourain's term for the petitions to deny?

25 A Yes.

1 Q Okay. Now, you in fact had read the petitions to
2 deny, had you not?

3 A Yes.

4 Q And you understood that the argument that Time
5 Warner was making was that Liberty was using coaxial cables
6 to interconnect buildings that were not commonly owned in
7 violation of federal law among other things -- the
8 Communications Cable Act -- or the Cable Communications
9 Policy Act of 1994?

10 A I believe those were the allegations, yes.

11 Q Okay. And the -- 1984, I beg your pardon. And
12 that the argument that Time Warner was making was is that
13 this disqualified Liberty as an OFS applicant for any path,
14 not just a path that was designed to replace one of these
15 coaxial cable interconnections. Is that correct?

16 A As I recall, I believe that was the -- yes, I
17 believe that was --

18 Q And that was your understanding at the time?

19 A Yes.

20 Q Okay. So that when -- as far as you were
21 concerned, when someone said -- referred to Time Warner's
22 petitions to deny, and you said, well, that concerned the I-
23 block situation, it was -- the petition was based on the I -
24 - what -- Liberty's so-called I-block practice, but it was
25 directed at any Liberty application for a microwave path

1 that was filed, not just the ones that were filed --

2 A That's correct. And as I said --

3 Q -- for I-block replacements.

4 JUDGE SIPPEL: Wait, wait. Let him finish his --

5 BY MR. BECKNER:

6 Q Not just the ones that were filed to replace cable
7 connections.

8 A I believe so. I mean, it -- if you -- like I
9 testified earlier, if you look at the caption of the -- of
10 the pleading that Time Warner filed, it identified the file
11 number of the application, not any specific path.

12 Q In your discussions with Mr. Nourain about the
13 likely effect on Liberty's microwave applications that these
14 petitions might have, did you limit the -- the delaying
15 effect that you talked about with Mr. Nourain to just those
16 applications that were filed to replace cable connections
17 that Liberty already had?

18 MR. BEGLEITER: I object to the question, Your
19 Honor. It's -- it's complex. It's compound. And it -- and
20 the Witness has already testified as to the conversation he
21 had with Mr. Nourain on this subject through Mr. Beckner's
22 questioning.

23 JUDGE SIPPEL: All right. Well, we've had a few
24 of these kinds of complex questions before. Do you
25 understand the question?

1 THE WITNESS: I may have, but --

2 JUDGE SIPPEL: Why don't you rephrase it?

3 MR. BECKNER: All right.

4 JUDGE SIPPEL: I'll sustain the objection.

5 BY MR. BECKNER:

6 Q You testified previously that you believe that you
7 advised Mr. Nourain that the effect of Time Warner's
8 petitions to deny on Liberty's pending microwave
9 applications would be to delay the processing of those
10 applications. Is that correct?

11 A Yes.

12 Q All right. When you gave him that expression of
13 your opinion, did you limit it to only those applications
14 that had been filed to replace coaxial cable connections or
15 did it apply to all the applications in the way that you
16 expressed it to Mr. Nourain?

17 A The way I expressed it to Mr. Nourain was that it
18 applied to all the applications. I mean, not to any
19 specific path.

20 JUDGE SIPPEL: All right. And that advice, just
21 following up -- and that advice was -- just following up on
22 that specific question -- that was -- that was your -- was
23 that -- how long was that type of advice from your knowledge
24 and understanding imparted to Mr. Nourain?

25 THE WITNESS: Once or twice.

1 JUDGE SIPPEL: Well, what's the -- what's the time
2 frame we're talking about? I mean, starting when? Starting
3 when, about the time that the petitions were filed back in
4 January?

5 THE WITNESS: Well, I would -- I would say between
6 -- between January 1995 and my memo of April 28th of '94.

7 JUDGE SIPPEL: Wait a minute.

8 THE WITNESS: I'm sorry, of '95.

9 JUDGE SIPPEL: Good. Go ahead, Mr. Beckner.

10 MR. BECKNER: All right.

11 BY MR. BECKNER:

12 Q Now, in the various conversations that you had
13 with Mr. Nourain about these applications that -- that
14 you've testified took place over the whole period of June
15 '94 through let's say the middle of April '95, did -- were
16 there times when he indicated to you a sense of urgency that
17 an application be filed or that it be granted; you know, any
18 particular times that you remember where he said, well,
19 we've really got to get this one done fast or anything like
20 that?

21 A Not those words, but yes.

22 Q And was that -- was that something that he
23 consistently expressed or was it only occasionally that he
24 was really -- expressed a sense of urgency about an
25 application?

1 A I don't recall specifically. I would say maybe
2 more than occasionally but certainly not all the time.

3 Q All right. When -- when I asked you earlier about
4 whether or not you discussed with Mr. Nourain the
5 advisability of his signing these applications in blank, I
6 think you used the word -- the adjective that he was
7 insistent that -- that this practice be continued.

8 A Insistent may have been too strong a word. But it
9 was definitely at his suggestion.

10 Q And -- and you understood that he wanted to
11 continue that practice.

12 A Yes.

13 Q But -- but you -- can you remember anything else
14 about a conversation you might have had with him about the
15 practice of his signing in blank, again, prior to April of
16 1995?

17 A I remember one vaguely, yes.

18 Q What do you remember about that one?

19 A This was a meeting where he had come down. I was
20 brand new at the time. He had come to Pepper & Corazzini
21 and explained to me about the Liberty system. And he also -
22 - before he left, he had said -- he had said could you give
23 me some blank applications so I can sign them while I'm
24 here.

25 Q And what did you say to him?

1 A I don't recall specifically what I said. But he
2 signed the blank applications before he left.

3 Q Well, you don't recall specifically. Did you say
4 something like, well, that's not a good idea or you're not
5 supposed to do that, or did you just say, wait a minute, let
6 me get some and then you can sign them?

7 A I don't recall what I did. I was brand new at the
8 time. This was within a week or two after I started.

9 Q Do you recall being surprised that he was making
10 this request of you?

11 A A little.

12 Q Yes. But you don't know whether you expressed
13 that surprise to him?

14 A No, I don't because -- I had known at the time
15 that this was a practice I believe -- that this had been --
16 that this was a standard practice. In fact, I think he had
17 told me that this was standard -- standard procedure at this
18 time.

19 Q Okay.

20 JUDGE SIPPEL: Well, wait, whose standards are we
21 talking about? The standards of the company, the standards
22 of -- his personal standards or the standards of the
23 industry? What was he talking about?

24 THE WITNESS: The procedure with Pepper &
25 Corazzini. I mean, I wasn't there before I started

1 obviously. But apparently, it had been a practice where Mr.
2 Nourain would sign these applications in blank.

3 JUDGE SIPPEL: Did you check with other people at
4 the firm to find that out?

5 THE WITNESS: Yes.

6 JUDGE SIPPEL: And they said that's okay?

7 THE WITNESS: Yes.

8 JUDGE SIPPEL: All right. Now, did -- before
9 you -- at the time that you were assigned -- excuse me. I'm
10 going to just -- I just have a few questions here.

11 MR. BECKNER: Go ahead, Your Honor.

12 JUDGE SIPPEL: The -- the --

13 MR. BECKNER: It's your proceeding.

14 JUDGE SIPPEL: The -- when you were given the file
15 -- when you first came to -- or when you were given the file
16 by -- by your superiors at the law firm; that is, you were
17 given the Liberty account, did you -- did you sit down
18 with -- with people senior to you both at the firm -- did
19 you meet with the client and work out some kind of way in
20 which you were going to handle this work or --

21 THE WITNESS: I met with the attorney who I
22 replaced. And she showed me the procedures and told me
23 about -- I mean, we may have discussed any particular -- any
24 particular things about Liberty that I should have known,
25 you know, to represent them. But, yes, it was basically

1 with the person who -- who I was replacing and taking this
2 account over from.

3 JUDGE SIPPEL: All right. But that would be --
4 that would be a co-equal of yours in a sense, right? That
5 would be somebody --

6 THE WITNESS: In a sense, yes.

7 JUDGE SIPPEL: Is there any -- is there any --
8 well, I don't want to use the word -- use the right words
9 here. But what I'm trying to get at is was there any -- any
10 attempt or effort to work out some kind of a -- at least a
11 being sensitive to the problem that could arise if there are
12 unauthorized activations? I mean, here you're going to have
13 all these files; you're going to have all this coming out
14 you very quickly -- relatively quickly.

15 I mean, as I'm seeing it, it's coming quickly.
16 Maybe to you, it's not. But you're getting -- yes, you're
17 agreeing with me. And you have all these pre-signed
18 applications and things are moving at a fairly rapid pace, I
19 mean, did it come to anybody's mind to say that, you know,
20 maybe we ought to just think about what might happen if --
21 if Mr. Nourain gets ahead of himself?

22 THE WITNESS: I don't recall -- I don't recall
23 that. I would have to say, you know, that this -- that
24 Liberty was a longstanding client with the firm. I had no
25 reason to question, you know, what the procedures were at